

REMARKS

Claims 1, 3-5, 7-13 and 15 are pending.

Response to Claim Rejections Under § 103

(A) Claims 10, 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over EP ‘561 in view of at least one of JP ‘748 (JP 09-208748) and U.S. Patent No. 3,927,144 to Hayashi et al and optionally further in view of EP ‘613.

(B) Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over EP ‘561 in view of at least one of JP ‘748 and Hayashi and optionally further in view of EP ‘613 as applied above and further in view of U.S. Patent Application Publication No. 2002/0045697 to Sohnen et al.

Applicants traverse for the reasons of record, and for the following additional reasons.

At page 6 of the Office Action dated January 6, 2010, the Examiner states

“With respect to Claim 10, Applicant’s arguments regarding unexpected results are not commensurate in scope with the claims and are therefore not persuasive. With respect to the 132 declaration filed 12-17-08, the results are for compositions containing 45 parts carbon black, 45 parts silica and 10 parts aluminum hydroxide. With respect to the 132 declaration filed 10-9-09, the results are for compositions containing zero parts carbon black, 60 parts silica and 10 parts aluminum hydroxide. Claim 10 fails to require any specific amount of filler and is, therefore, not commensurate in scope with the results in the 132 declarations filed 12-17-08 and 10-9-09. This is significant because amount and type of filler is known to affect wet grip and reinforcement as evidenced by Japan 748 (paragraph 15). Claim 10 also fails to require aluminum hydroxide and is, therefore, not commensurate in scope with the results in the 132 declarations filed 12-17-08 and 10-9-09. Moreover, the results in Nakamura’s 132 Declaration appear to be the predicted and expected results in view of Japan

748's teaching to improve grip of a tire on wet road by using petroleum resin an/or Hayashi's teaching to improve cut resistance of a tire tread by using petroleum resin."

In this regard, the Examiner appears to presume that aluminum hydroxide as an essential feature of Claim 10. However, as demonstrated in the attached 37 C.F.R. §1.132 Declaration by Mr. Osamu Uchino, aluminum hydroxide is not an essential feature of Claim 10.

In particular, Examples AA and BB contain no aluminum hydroxide. However, Examples AA and BB have remarkable effects on improving not only processability (lower Mooney viscosity) but also driving stability and wet gripping property.

JP '748 discloses that the grip of a tire on a wet road can be improved by using petroleum resin.

Hayashi discloses that cut resistance is improved by using petroleum resin.

However, neither JP '748 nor Hayashi disclose or suggest a partial ester compound of maleic anhydride and a (poly) oxypropylene derivative.

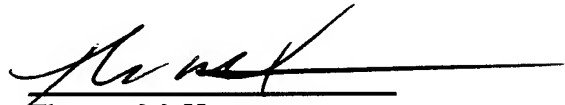
Thus, the cited references fail to render obvious the present claims. Accordingly, withdrawal of the rejections is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

SUPPLEMENTAL RESPONSE UNDER 37 C.F.R. § 1.114(c) Attorney Docket No.: Q86580
U.S. Application No.: 10/526,466

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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